

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHERIELEE FIGUEROA,

Plaintiff,

REQUESTED JURY CHARGE
(RETALIATION)

vs.

Civil Action No.: 1:15-CV-6526

KK SUB II, LLC,
JOHN PHARO, AREA MANAGER, and
JENNIFER HAMMEL, DISTRICT MANAGER,

Defendants.

REQUEST TO CHARGE: RETALIATION¹

To establish an unlawful retaliation claim under the New York Human Rights Law, the Plaintiff must show that (1) he or she engaged in a protected activity as that term is defined under the NYHRL; (2) his or her employer was aware that he or she participated in such activity; (3) he or she engaged in conduct which was reasonably likely to deter a person from engaging in that protected activity, and (4) there is a casual connection between the protected activity and the alleged retaliatory conduct.

In the event that Plaintiff establishes such a prima facie case, the burden shifts to the employer to articulate a legitimate nondiscriminatory reason for the alleged retaliatory conduct.

Dated: May 4, 2018

s/ Justin S. White

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s/ Andrew P. Fleming

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¹ Taken from New York PJI 9:1.